

### REMARKS

The Advisory Action addresses claims 70, 71, and 73-85, rejecting all claims. Reconsideration and allowance are requested in light of the amendments and the following remarks.

#### *Amendments to the Claims*

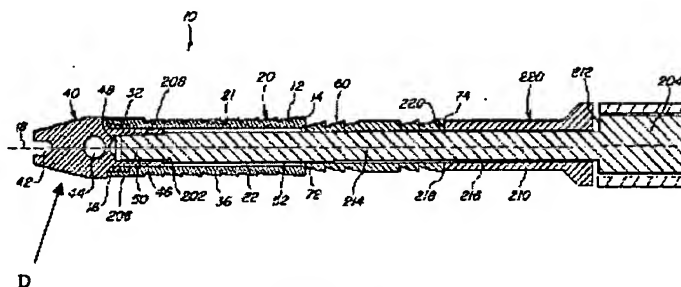
Applicant amends claim 70 to clarify that taper of the suture engaging tip extends a distance at least equal to the length of the suture-thread engaging groove. Support can be found throughout the specification, at least in FIGS. 1-4A and 10-14. No new matter is added.

#### *Claim Rejections Pursuant to 35 U.S.C. § 102*

In the Advisory Action, the Examiner rejects claims 70, 71, and 73-85 pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,707,395 of Li. In response to Applicant's remarks in the Final Office Action, the Examiner defines "tapered" as "to become progressively smaller toward one end," and argues that Li "clearly shows that both sides of the apparatus become progressively smaller." While Applicant disputes the Examiner's allegation that Li discloses a tapered tip, Applicant amends claim 70 to clarify what is meant by "tapered."

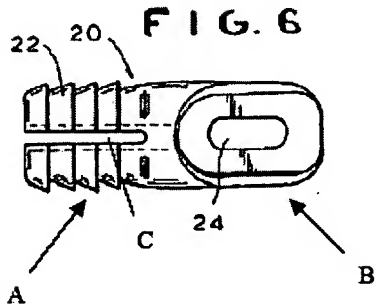
Claim 70 now recites a suture anchor system that includes a tapered suture engaging tip at a distal end. As shown in Applicant's FIG. 2, which is reproduced herein and with the label "D" added to

show the tapered suture engaging tip, the taper of the suture engaging tip extends over a distance *at least equal* to the length of the suture-thread engaging groove 42.



**FIG. 2**

Nowhere does Li teach or even suggest a suture anchor system that includes a tip having a taper that extends over a distance *at least equal* to the length of the suture-thread engaging groove. Rather, as shown in FIG. 6 of Li which is reproduced herein and with labels "A", "B", and "C" added to show the first and second ends of member 20 as well as the channel, Li teaches a member



20 having a first end A that includes a plurality of serrations 22 surrounding a channel C. The member 20 also includes a second end B having a ligament-engaging aperture 24 formed therein.

At the outset, Applicant notes that the first end A of Li does not teach or even suggest a *suture engaging groove*. Rather, the *channel C* is adapted to receive an *expanding member*, the receipt of which causes the plurality of serrations 22 to expand outwardly to engage the wall of a bore. Nowhere in Li is there any indication that the channel C could be used to engage a suture. Further, and assuming, *arguendo*, that the first end A includes a suture-engaging groove, nowhere does the first end A teach or even suggest a taper that extends over a distance *at least equal* to the length of the suture-engaging groove. Li's suture anchor has a substantially *constant diameter* at both ends. However, each *individual serration* becomes progressively smaller over a distance that is *substantially less* than the length of the channel C.

The second end B of Li also does not teach or even suggest a suture-engaging *groove*. Rather, the second end B has a ligament-engaging *aperture* 24. An aperture and a groove are structurally different elements. Further, and assuming, *arguendo*, that the second end B has a suture-engaging groove, the second end B has a constant diameter with a somewhat *rounded tip*. Li fails to teach or even suggest *any* taper in the second end B.

Accordingly, claim 70, as well as claims 71 and 73-85 which depend therefrom, distinguish over Li and represent allowable subject matter.

#### ***Claim Rejections Pursuant to 35 U.S.C. § 103***

In the Final Office Action the Examiner rejected dependent claim 80 pursuant to 35 U.S.C. § 103(a) as being obvious over Li in view of U.S. Patent No. 5,928,244 of Tovey et al. The Examiner also rejected dependent claims 82-85 pursuant to 35 U.S.C. § 103(a) as being obvious over Li. As discussed above, independent claim 70 distinguishes over Li. Further, Tovey does not remedy the deficiencies of Li.

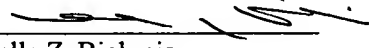
Accordingly, dependent claims 80 and 82-85 are therefore allowable because they depend from an allowable base claim.

***Conclusion***

Applicant submits that all claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

By   
Michelle Z. Bielunis  
Registration No.: 57,477  
NUTTER MCCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2000  
(617) 310-9000 (Fax)  
Attorney for Applicant

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